



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Case Assignment & Initial Notice

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

ISRA Initial Notice
Mail Code 401-05H
P.O. Box 420
Trenton, NJ 08625-0420

August 22, 2011

Tri State Riverside Properties Llc
ATTN: Edward Turyan
1140 Bloomfield Ave
Clifton, NJ 07012

Re: Case Name: Active OIL TERMINAL
101 Riverside Ave
Newark, Essex County
ISRA Case #: E20110128
SRP PI#: 010535
Activity Number Reference: LSR110001

Dear Mr. Turyan :

This letter serves to advise that the New Jersey Department of Environmental Protection (Department) has received a complete Industrial Site Recovery Act (ISRA) General Information Notice (GIN) for the above referenced Industrial Establishment. Please reference the assigned case number and PI number on all correspondence sent to the Department.

On May 7, 2009, the Site Remediation Reform Act (SRRA) was enacted. The SRRA establishes criteria for the licensing of site remediation professionals who will assure that contaminated sites are remediated in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E. (<http://www.nj.gov/dep/srp/regs/statutes/srra.pdf>) The SRRA authorizes the Department of Environmental Protection to establish mandatory timeframes for the completion of each phase of remediation. These timeframes, as well as other requirements of the act, have been codified in regulations that became effective on November 4, 2009. (http://www.nj.gov/dep/srp/regs/arcs_rule.pdf)

As the person responsible for conducting the remediation of the referenced ISRA case, the SRRA requires you to do the following:

- Within 45 days of the occurrence of any ISRA transactional event, hire a licensed site remediation professional (LSRP) to perform the remediation and notify the Department on the attached form who the LSRP is;
- Conduct the remediation without the prior approval of the Department in accordance with the requirements set forth at N.J.A.C. 7:26E, the Technical Requirements for Site Remediation and N.J.A.C. 7:26C, Administrative Requirements for the Remediation of Contaminated Sites (see regulatory timeframes listed below);
- Establish a remediation funding source, if required (<http://www.nj.gov/dep/srp/guidance/rfsguide/>);
- Pay all applicable fees and oversight costs;
- Provide the Department with access to the contaminated site and documents concerning the remediation; and
- Obtain all necessary permits.

Failure to comply with the obligations above may result in the Department taking direct oversight of the remediation of the contaminated site. Once a site or a portion of a site is under direct Department oversight, the responsible party forfeits all rights in the decision making process regarding the remedial investigation and remedial action to be performed at the site, including remedy selection. Additionally, the responsible party will be required to post a remediation funding source and the Department will control the disbursements from the remediation funding source. (http://www.nj.gov/dep/srp/guidance/srra/direct_oversight.pdf)

Preliminary Assessment Report:

Regulatory Timeframe: If no potentially contaminated areas of concern are identified during the preliminary assessment, the following shall be submitted to the Department:

- A completed Annual Remediation Fee Reporting Form and a fee of \$450.
- A complete Preliminary Assessment Report with a Preliminary Assessment/Site Investigation Form and Case Inventory Document with a Response Action Outcome issued by a Licensed Site Remediation Professional shall be submitted by 90 days after the date submission of the GIN is required.

If potentially contaminated areas of concern are identified during the preliminary assessment, a site investigation must be conducted. The preliminary assessment report shall be submitted with the site investigation report (see SI section, below).

Site Investigation Report:

Regulatory Timeframe: If no contaminants were detected above the unrestricted use standards a complete Preliminary Assessment/Site Investigation Report with a Receptor Evaluation with a Preliminary Assessment/Site Investigation Form and Case Inventory Document prepared by a

Licensed Site Remediation Professional shall be submitted by 1 year after the date submission of the GIN is required with:

- A completed Annual Remediation Fee Reporting Form and a fee of \$450 (see more on the annual remediation fees below), and;
- A Response Action Outcome and a Response Action Outcome form.

Receptor Evaluation

Receptor Evaluation is not required when an Unrestricted Use Response Action Outcome is issued and is filed with the Department within 270 days after the date submission of the GIN is required.

Annual Remediation Fees

The first Annual Remediation Fee Reporting Form and the applicable fee calculated in accordance with N.J.A.C. 7:26C-4 shall be submitted to the Department upon the earliest of the following:

- The submittal of a preliminary assessment report;
- The submittal of a preliminary assessment and site investigation report;
- The submittal of the first remedial phase document; or
- 270 days after the date submission of the GIN is required.

If contamination has been verified to exist at the site above the applicable remediation standards, then the annual remediation fee shall be calculated pursuant to N.J.A.C 7:26C-4 and submitted by 270 days after the submission of the GIN.

Remedial Investigation Workplan:

Regulatory Timeframe: A complete Remedial Investigation Workplan prepared by a Licensed Site Remediation Professional shall be submitted within the timeframes established at N.J.A.C. 7:236B-6.1.

Remedial Investigation Report and Remedial Action Workplan:

Regulatory Timeframe: A complete Remedial Investigation Report with a Remedial Investigation Report form and Case Inventory Document and a Remedial Action Workplan with a Remedial Action Workplan form prepared by a Licensed Site Remediation Professional shall be submitted within 420 days after the date submission of the GIN is required, and implemented in accordance with the schedule contained therein. Upon completion of the remedial action a Remedial Action Report with a Remedial Action Report form shall be prepared by a Licensed Site Remediation Professional and submitted to the Department.

Sale or Transfer of a Business, Assets or Property


Prior to the sale or transfer of a business, assets or property, ISRA requires that the owner or operator must:

- Obtain and submit to the Department a Response Action Outcome issued by a Licensed Site Remediation Professional, or
- Obtain and submit to the Department a Remedial Action Work Plan certified by a Licensed Site Remediation Professional, and post a remediation funding source pursuant to N.J.A.C. 7:26C-5, or
- Obtain an Authorization Letter issued by the Department, or
- Submit to the Department a Remediation Certification pursuant to N.J.A.C. 7:26B-4.3, and post a remediation funding source pursuant to N.J.A.C. 7:26C-5.

Sales completed in violation of the law will be referred for enforcement action.

If you need any special guidance contact the ISRA Initial Notice section at (609)-292-2943.

Sincerely,



Joshua Gradwohl, Supervisor
Bureau of Case Assignment & Initial Notice

C: Roger Fidler
DEP File Copy

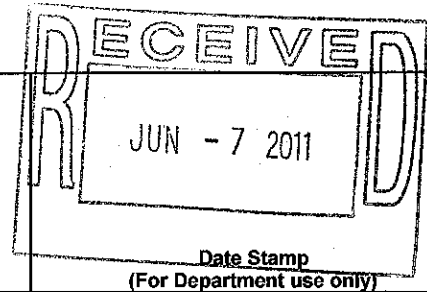
E20110128

DME



New Jersey Department of Environmental Protection Site Remediation Program

GENERAL INFORMATION NOTICE (GIN)

☒ New ☐ Revision/Update *


NOTE: If more than one Industrial Establishment (business) operates at the site (multiple tenancy), and the transaction which initiates ISRA is a sale of property, then a separate General Information Notice is required for each Industrial Establishment (tenant) that uses hazardous materials and has a NAICS number within the subject realm of ISRA.

Date: 06/01/2011

SECTION A. INDUSTRIAL ESTABLISHMENT

 Site Name: Oil Terminal Active Oil Services (JP6) Telephone Number: (718) 974-7378

Street Address: 101 Riverside Avenue

Municipality: City of Newark (Township, Borough or City)

County: Essex Zip Code: 07104

* ISRA Case No.: Program Interest No.:

State Plane Coordinates for a central location at the site: Easting: X Northing:

Municipal Block(s) and Lot(s): Block # Lot #

Block # 674 Lot # 3 Block # Lot #

Block # 674 Lot # 4 Block # Lot #

Block # 674 Lot # 5 Block # Lot #

Block # Lot # Block # Lot #

 Does the Industrial Establishment include: ☒ the Entire Site; or
☐ a Leasehold Portion of the Block and Lots designated above.

Date trigger compliance with N.J.A.C. 7:26B-3.2(a) 06/01/2007

NAICS Code: 424710 (Required)

 To determine your NAICS Code, please refer to the "Official NAICS Page" at <http://www.census.gov/eos/www/naics/> or contact the NJ Department of Labor at 609-292-2633.

Please provide a description of operations conducted on site by the Industrial Establishment listed in "A" above to verify the listed NAICS number as accurate.

The premises were last leased to Action Oil which rented office and garage space on the property. They did tank removals off-site and left material which we disposed of in response to demand from Solid Waste Compliance and Enforcement EA ID #PEA 090001-U1611.

CURRENT PROPERTY OWNER(S)

Business Name: Tri-State Riverside Properties, LLC

Contact Person: Edward Turyan Telephone Number: (718) 974-7378

Street Address: 1140 Bloomfield Avenue

Municipality: City of Clifton State: New Jersey Zip Code: 07012

CURRENT BUSINESS OWNER (complete this section even if the same as above)

Business Name: No business is being conducted

Contact Person: Telephone Number:

Street Address:

Municipality: State: Zip Code:

SECTION B. MAPS TO PROVIDE

1. A current tax map, attached as Appendix # A and
2. A scaled site map showing the entire property and all current structures located on the blocks and lots listed in Item 1A above. For Department data entry and identification purposes the boundaries of each industrial establishment currently located on the site shall be highlighted and clearly labeled on the scaled site map, attached as Appendix # B

SECTION C. PREVIOUS ISRA/ECRA SUBMISSIONS

1. Have there been any previous or concurrent ISRA/ECRA submissions (including Applicability Determinations or De Minimis Quantity Exemption Application) by this Industrial Establishment or another Industrial Establishment, which occupied the same tax block and lot number? ☒ Yes ☐ No
2. If "Yes," Name of Industrial Establishment(s): Q-Petroleum
3. ISRA/ECRA Case No(s): E92128 Current Status Closed April 1995

SECTION D. NFA, RAO OR NEGATIVE DECLARATION

1. Has the same property occupied by the Industrial Establishment in section A above received a No Further Action Letter (NFA), Response Action Outcome (RAO) or Negative Declaration Approval? ☒ Yes ☐ No
If "Yes," provide:
2. A copy of the prior No Further Action Letter, Response Action Outcome or Negative Declaration Approval, attached as Appendix # (Not Available) and
3. A scaled site map, which clearly depicts the site or portions thereof that the prior No Further Action Letter, Response Action Outcome or Negative Declaration Approval includes, attached as Appendix # (Not Available)

Please Note: If the Block and Lot designation for the site on which the Industrial Establishment listed above is different than the Block and Lot listed on the prior No Further Action Letter, Response Action Outcome or Negative Declaration Approval, then please provide a brief description of when the designation change occurred and a statement supporting that the current application is for the same site. The Department will not assume the application for the current site is the same site referenced on a prior no further action approval if the Block and Lots are different.

SECTION E. TYPE OF TRANSACTION

Indicate the transaction(s), which initiates the ISRA review. Check **all** that apply (see N.J.A.C. 7:26B-3.2 & 3.3):

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Sale of Property | <input type="checkbox"/> Foreclosure | <input type="checkbox"/> Stock Transfer/Corporate Merger |
| <input checked="" type="checkbox"/> Cessation | <input type="checkbox"/> Partnership Change | <input type="checkbox"/> Other (attach documentation to explain) |
| <input type="checkbox"/> Sale of Business | <input checked="" type="checkbox"/> Sale of Assets | |
| <input type="checkbox"/> Bankruptcy – Type: _____ Date: _____ Case #: _____ | | |

SECTION F. CESSATION OF OPERATIONS

If a cessation of operations is involved at this location, provide the following information:

1. Provide the date of the public release of the decision to close the facility _____, or
2. Provide the date that operations ceased 06/01/2007, or
3. Provide the date that operations will cease _____

SECTION G. PROPERTY SALE/TRANSFER OF TITLE

If the transaction initiating an ISRA review is an agreement of sale or execution of an option to purchase, fill in the date of execution of that instrument below. If a sales agreement has not been signed, then you may not have triggered ISRA unless another trigger such as a cessation of operations has also occurred.

1. Is a sale involved? ☒ Yes ☐ No (If "No," skip to section H.)
2. Provide the date of the Agreement/Notifications of Option to Purchase 02/28/2011
3. Provide the date proposed for transfer of title 06/15/2011
4. Please complete the following:

Name of Party/Purchaser: William Goodman

Address: c/o Abraham Penzer, Esq., 1203 Madison Avenue, Lakewood NJ

Phone Number: (732) 363-4740 Contact Person: William Goodman c/o Abraham Penzer, Esq.

SECTION H. AUTHORIZED AGENT

Provide the name and mailing address of an individual to be designated as the "Authorized Agent": a primary contact with the Department for all matters relating to this ISRA review. This can be a licensed site remediation professional or attorney assisting the owner or operator with their ISRA compliance obligations. The Department will copy the Authorized Agent on all written correspondence.

Name: Roger L. Fidler, Esq. Telephone Number: (973) 949-4193

Firm: Law Offices of Roger L. Fidler

Street Address: 145 Highview Terrace

Municipality: Hawthorne State: New Jersey Zip Code: 07506

Fax Number: (973) 949-4196 Email Address (optional): rfidler0099@aol.com

SECTION I. NOTIFICATIONS (To be initialed by the signatory on the certification page.)**Right of Entry and Inspection**

Pursuant to the Industrial Site Recovery Act rules (N.J.A.C. 7:26B-1.9), by the submission and certification of this document I give my consent to the entry of the industrial establishment by the Department and its authorized representatives during any phase of remediation, upon the presentation of credentials, to inspect the site.

Initial E.T.

Withdrawal Notification

I understand that I may withdraw this notice if the transaction that initiated the filing of this General Information Notice is terminated. In accordance with the Industrial Site Recovery Act rules (N.J.A.C. 7:26B-3.4), such withdrawal, stating the reasons why compliance with ISRA no longer applies to the site referenced in Item 1A above, shall be made in writing and certified in accordance with N.J.A.C. 7:26B-1.6. I understand if the site has been confirmed to be contaminated, pursuant to the Site Remediation Reform Act, I am obligated to continue with the remediation of the site regardless of the status of my ISRA trigger.

Initial E.T.

Municipal Notification

I certify that the municipality (Municipal Clerk), in which the industrial establishment named in Item 1A above is located, has been provided a copy of this notice.

Initial E.T.

SECTION J. PERSON RESPONSIBLE FOR CONDUCTING THE REMEDIATION INFORMATION AND CERTIFICATION

Full Legal Name of the Person Responsible for Conducting the Remediation: Tri-State Riverside Properties, LLC

Representative First Name: Edward Representative Last Name: Turyan

Title: Managing Member

Phone Number: (718) 974-7378 Ext: _____ Fax: _____

Mailing Address: 1140 Bloomfield Avenue

City/Town: Clifton State: New Jersey Zip Code: 07012

Email Address: _____

Does the listed individual or firm own the: ☒ property, ☐ business, or ☐ both?

This certification shall be signed by the responsible party who is submitting this notification in accordance with Administrative Requirements for the Remediation of Contaminated Sites rule at N.J.A.C. 7:26C-1.5(a).

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, including all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.

Signature: 

Date: _____

Name/Title: Edward Turyan, Managing Member

No Changes Since Last Submittal ☐

ROGER L. FIDLER

Attorney at Law

145 Highview Terrace

Hawthorne, NJ 07506

(973) 949 - 4193

(973) 949 - 4196 (Fax)

rfidler0099@aol.com

EXPRESS MAIL

June 1, 2011

Bureau of Case Assignment & Initial Notice

Site Remediation Program

NJ Department of Environmental Protection

401-05H

PO Box 420

Trenton, NJ 08625-0420

RE: 101 Riverside Avenue, Newark, NJ ("Property")

Lot No(s): 3,4 and 5, Block No.: 674

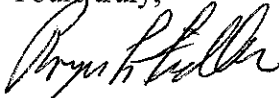
General Information Notice

Dear Sir/Madam,

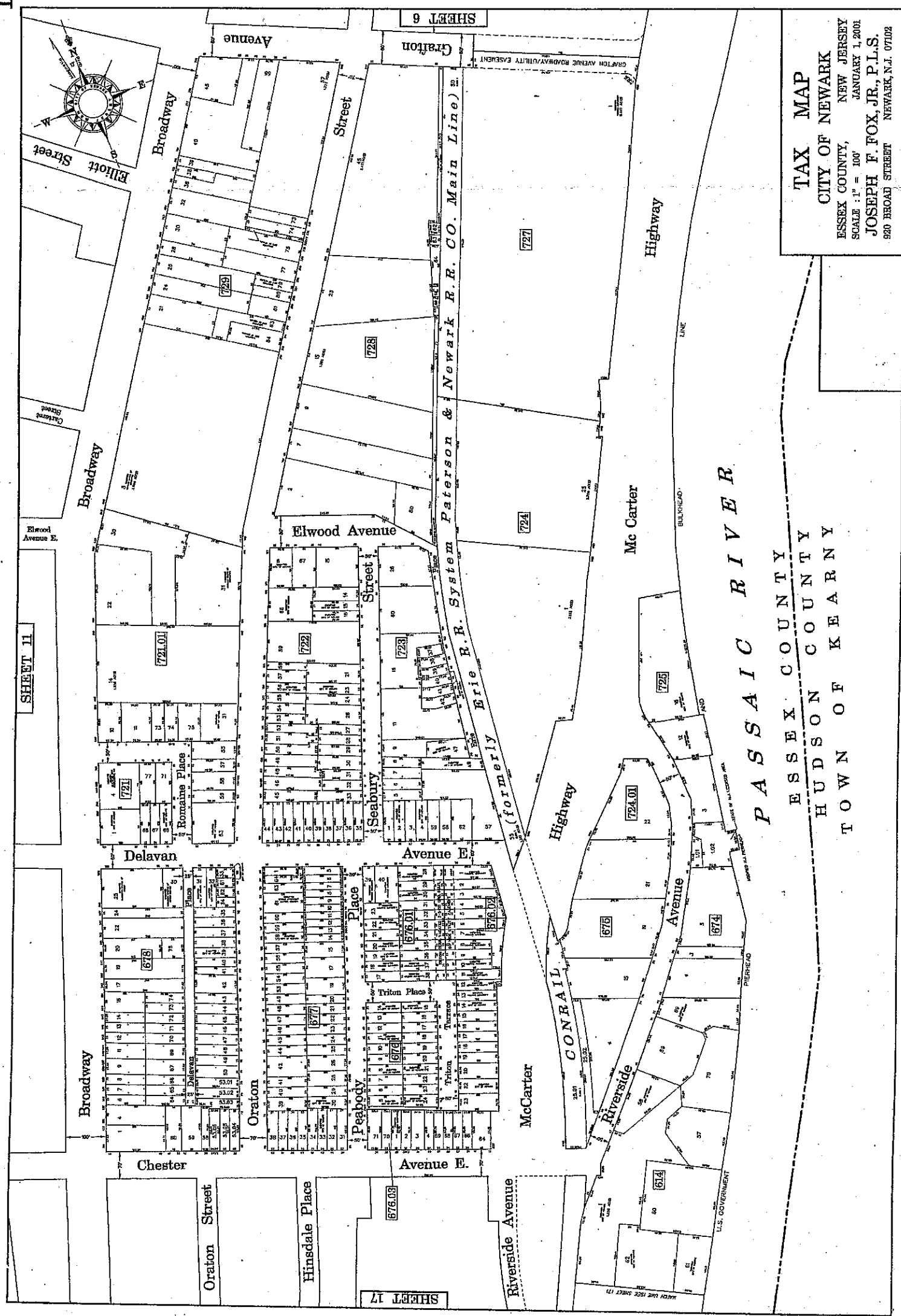
Enclosed herewith please find the General Information Notice along with supporting documents.

Please feel free to contact me with any questions or concerns at the telephone number listed above.

Yours truly,



Roger L. Fidler



TAX MAP
CITY OF NEWARK
ESSEX COUNTY, NEW JERSEY
SCALE: 1" = 100'
JANUARY 1, 2001
JOSEPH F. FOX, JR., P.L.S.
920 BROAD STREET NEWARK, N.J. 07102

PASSAIC RIVER

ESSEX COUNTY
HUDSON COUNTY
TOWN OF KEARNY